IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1982 OF 2005

Shri Ramchandra Ananadrao Tapase .. Petitioner
V/s.
Smt. Shewantabai A. Tapase & Ors. .. Respondents

Mr. Shashipal Shankar for the Petitioner
None present for the Respondents

CORAM : B.H. MARLAPALLE, J.
DATED : 03.05.2005

P.C.:-

1. Heard the learned counsel for the Petitioner, who has filed Special Civil Suit No. 450 of 2000 for possession of the Suit premises by evicting the Defendant Nos. 1 to 5. The said Suit was filed sometime in the month of March, 2000. An application for amendment under Order 6 Rule 17 of Civil Procedure Code was filed on or about 17.8.2004 and the same has been partly allowed by the learned Judge Senior Division at Karad vide his order on 18.1.2005. The Petitioner claims that all the amendments ought to have been allowed, hence this Petition.

2. The Trial Court has allowed about 23 amendments out of 27 amendments. It appears that Trial Court compared the original amendments made in the original Plaint in the respective paragraph and has allowed the amendments, which are found to be relevant for deciding the Suit. The Trial Court did not allow the amendments with regard to paragraph nos. XII, XX, XXIV and XXVII as being not relevant and, therefore, they have been turned down.

3. On comparing the original Plaint and the amendments sought to be made in the remaining 4 paragraphs, it is clear that the view taken by the Trial Court, cannot be termed as perverse or grossly erroneous. Discretion exercised in allowing the amendment application has been to a great extent in favour of the Petitioner and on being satisfied that those amendments were necessary to be made, the amendments which were irrelevant have been turned down.

4. Hence, there is no scope for interference under Article 227 of the Constitution. Petition is rejected summarily.

(B.H. MARLAPALLE, J.)